



1644

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Flyer et al  
Serial No: 10/022,286 Art Unit: Unassigned  
Filed: 13 December 2001 Examiner: Unassigned  
Title: MHC CLASS I-ASSOCIATED PEPTIDES FOR PREVENTION AND  
TREATMENT OF TUBERCULOSIS  
Docket No: 223550-9

24 June 2003

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
JUN 30 2003  
TECH CENTER 1600/2900

TRANSMITTAL

Sir:

Applicants herewith submit the following materials:

1. Information Disclosure Statement;
2. Form 1449;
3. Copy of International Search Report in co-pending PCT application;
4. Copies of References cited; and
5. Return Postcard.

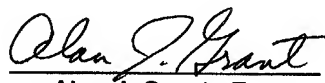
No fee is believed due in filing these papers. If any fee is due, Applicant authorizes the Commissioner to charge such fees to Deposit Account No. 03-0678.

Serial No.: 10/022,286  
Filed: 13 December 2001

**FIRST CLASS CERTIFICATE**

I hereby certify that this  
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**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

 6/24/03  
Alan J. Grant, Esq.      Date

Respectfully submitted,



Alan J. Grant, Esq.  
Reg. No. 33,389

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**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §1.56(a), Applicant(s) hereby cite(s) the enclosed documents listed on the attached copy of Form PTO-1449 which are believed to be material to the patentability of the above-identified application. In addition, a supplemental disclosure statement has been filed citing related co-pending applications.

This Information Disclosure Statement is filed in accordance with the paragraph of 37 CFR §1.97 indicated below:

X §1.97(b) This Information Disclosure Statement is filed:

- (1) Within three months of the filing date of a national application; OR
- (2) Within three months of the date of entry of the national stage of an international application; OR
- (3) Before the mailing of a first Office Action on the merits. No fee or statement is required.

\_\_\_§1.97(c) This Information Disclosure Statement is filed after the period specified in paragraph (b) above, but before the mailing date of either:

- (1) A Final Action or under 37 CFR §1.113; OR
- (2) A Notice of Allowance under 37 CFR §1.311; AND

is accompanied by either: (check one)

\_\_\_ The statement as specified in 37 CFR §1.97(e) set out below; OR

\_\_\_ The fee of \$ 180.00 under 37 CFR §1.17(p).

\_\_\_§1.97(d) This Information Disclosure Statement is filed after the mailing date of either:

- (1) a Final Action or under 37 CFR §1.113; OR
- (2) A Notice of Allowance under 37 CFR §1.311;

BUT filed on or before payment of the Issue Fee; AND

is accompanied by:

- (1) The statement as specified in 37 CFR §1.97(e) as set forth below; AND

- (2) Petition is hereby made under 37 CFR §1.97(d) for consideration of this Information Disclosure Statement; AND,

- (3) The petition fee of \$130.00 set out in 37 CFR §1.17(i).

\_\_\_§1.97(e) The undersigned Attorney hereby states that:

\_\_\_ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement;  
or

\_\_\_ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or to the knowledge of the undersigned Attorney after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

The Commissioner is authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

Serial No: 10/022,286  
Filed: 13 December 2001

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Date

Respectfully submitted,



Alan J. Grant, Esq.  
Reg. No. 33,389

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Form PTO-1449

## INFORMATION DISCLOSURE STATEMENT

Atty. Docket No.

723550-9

Serial No.:

10/022,286

Applicant: Flyer et al

Filing Date: 13 December 2001

Group:

## U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date
	A1	6,268,201	31 July 2001	Alland et al			
	B1						
	C1						

## FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Country	Class	Sub-Class	Translation
	D1	WO 01/16174	8 March 2001	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No
	E1						<input type="checkbox"/> Yes <input type="checkbox"/> No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

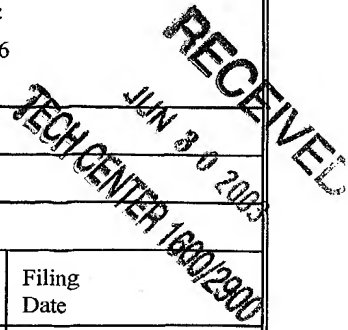
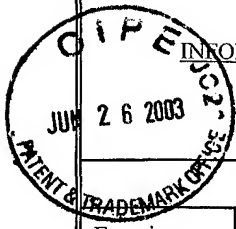
	F1	Flyer et al, Infection & Immunity, Vol. 70, pp. 2926-2932 (2002)
	G1	Vordermeier et al., Scand. J. Immunol., Vol. 45, pp. 521-526 (1997)
	H1	
	I1	
	J1	
	K1	
	L1	
	M1	
	N1	
	O1	

Examiner:

Date Considered:

## EXAMINER:

Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 26747.33	<b>FOR FURTHER ACTION</b>	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/US01/48742	International filing date ( <i>day/month/year</i> ) 12 December 2001 (12.12.2001)	(Earliest) Priority Date ( <i>day/month/year</i> ) 13 December 2000 (13.12.2000)
Applicant ARGONEX PHARMACEUTICALS		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

#### 1. Basis of the Report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (See Box II).

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_\_



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US01/48742

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A61K 38/04, 39/00, 39/04; C07K 16/00, 17/00; C12P 21/06; C12N 15/00, 15/09, 5/08

US CL : 424/185.1, 248.1; 435/69.1, 320.1, 372.3; 530/327, 389.5

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 424/185.1, 248.1; 435/69.1, 320.1, 372.3; 530/327, 389.5

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
WEST, Medline, Caplus, Embase, Biosis

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	VORDERMEIER, H.M., et al. Induction of CD8+ CTL recognizing mycobacterial peptides. Scand. J. Immunol. May 1997, Vol. 45, No. 5, pages 521-526, see entire document.	1-13, 16-22 and 24-32
A,P	WO 01/16174 A2 (KIESSLING, R. et al.) 08 March 2001, see particularly Sequence Listing.	1-13, 16-22 and 24-32
A,P	US 6,268,201 B1 (ALLAND, D. et al.) 31 July 2001, see particularly Sequence Listing.	1-13, 16-22 and 24-32
T	FLYER, D.C. et al. Identification by Mass Spectrometry of CD8+-T-Cell Mycobacterium tuberculosis Epitopes within the Rv0341 Product. Infect. & Immun. June 2002, Vol. 70, No. 6, pages 2926-2932, see entire document.	1-13, 16-22 and 24-32

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

28 April 2003 (28.04.2003)

Date of mailing of the international search report

03 JUN 2003

Name and mailing address of the ISA/US

Commissioner of Patents and Trademarks  
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Authorized officer

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